

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Case No. 23-30035 (mvl)
	§	
ANIMO SERVICES, LLC,	§	(Chapter 7)
	§	
DEBTOR.	§	Hon. Michelle V. Larson
	§	

**TOBY NEUGEBAUER’S RESPONSE AND OBJECTION TO PETITIONING CREDITORS’
MOTION TO COMPEL HIM TO FILE THE DEBTOR’S LIST OF
CREDITORS, SCHEDULES, AND STATEMENT OF FINANCIAL AFFAIRS**

Toby Neugebauer’s files this Response and Objection to Petitioning Creditors Motion to Compel Toby Neugebauer to Prepare and File the Debtors List of Creditors, Schedules, and Statement of Financial Affairs, and in support thereof respectfully shows the Court as follows:

SUMMARY

1. The person who should file the Debtor’s list of creditors, schedules, and statement of financial affairs is Hunter Bywaters, the sole director of With Purpose, Inc. (“WPI”) at the time of the filing of the involuntary petition against Animo Services, LLC (the “Debtor”). WPI is the Debtor’s sole manager. At that time of the involuntary petition filing, Mr. Neugebauer was not a director, officer, or person otherwise in charge of WPI or the Debtor, and he had not been for months.

2. At this time Mr. Neugebauer is not in charge of anything on behalf of the Debtor. The trustees are in charge. After turning over a substantial amount of records to the WPI trustee and providing records and information to the trustee in this case, Mr. Neugebauer has fulfilled whatever responsibility he had (if any) in this regard. Mr. Neugebauer expects that Hunter

Bywaters has records of the Debtor, and as the person in charge of the Debtor at the time of the involuntary petition filing it is Mr. Bywaters who should make the subject filings.

BACKGROUND

3. On January 4, 2023, the Petitioning Creditors filed their involuntary Chapter 7 petition against the Debtor.

4. The Order for Relief was entered February 9, 2023 (Dkt. #12).

5. On April 19, 2023, the petitioning creditors filed their Motion to Compel Toby Neugebauer to File the Debtor's List of Creditors, Schedules, and Statement of Financial Affairs, (Dkt. #34, the "Motion").

RESPONSE TO ALLEGATIONS

6. Mr. Neugebauer responds to the allegations in the Motion as follows:

- a. Mr. Neugebauer admits the allegations in numbered paragraphs 1–3 of the Motion.
- b. Regarding numbered paragraph 4 of the Motion, Mr. Neugebauer admits that undersigned counsel appeared at the March 14, 2023 status conference.
- c. Regarding numbered paragraph 5 of the Motion, Mr. Neugebauer admits that docket number 25 was entered in this case, and that the Order speaks for itself.
- d. Upon information and belief Mr. Neugebauer admits the allegations in numbered paragraph 6 of the Motion.
- e. Mr. Neugebauer admits the allegations in numbered paragraphs 7–9 of the Motion.
- f. Regarding numbered paragraph 10 of the Motion, Mr. Neugebauer denies that he served as the Debtor's CEO¹. The referenced Wall Street Journal article does not even mention the Debtor.
- g. Mr. Neugebauer lacks information sufficient to admit or deny the allegations in the first and third sentences of numbered paragraph 11 of the Motion. Mr. Neugebauer admits the allegations in the second sentence of

¹ At certain times, Mr. Neugebauer did serve as WPI's CEO.

numbered paragraph 11 of the Motion.

- h. Mr. Neugebauer denies that the Petitioning Creditors are entitled to any of the relief requested in the Motion in general, and in particular in numbered paragraph 12 of the motion.
 - i. Numbered paragraphs 13–14 state legal conclusions only to which no response is required.
 - j. While Mr. Neugebauer acknowledges the portions of the statutes and rules referenced in numbered paragraphs 15–16 of the Motion, those statutes and rules speak for themselves, and they do not support the relief requested in the Motion.
 - k. Mr. Neugebauer denies the allegations in numbered paragraph 17 of the Motion.
 - l. Mr. Neugebauer admits the allegations in the first, third, and fourth sentences of number paragraph 18 of the Motion. He denies the allegations in the second sentence of numbered paragraph 18 of the Motion.
 - m. Regarding numbered paragraph 19 of the Motion, Mr. Neugebauer has already turned over the records documents and information to the WPI trustee and the Debtor’s trustee. He also denies that he was the Debtor’s CEO.
 - n. Mr. Neugebauer denies the allegations in numbered paragraph 20 of the Motion. He has no authority whatsoever over WPI.
 - o. Mr. Neugebauer denies the allegations in numbered paragraph 21 of the Motion. Hunter Bywaters is the party best situated to prepare and file the Debtor’s list of creditors, schedules, and statement of financial affairs. He is the one who should be compelled to do so.
7. Any allegation not specifically admitted herein is denied.

CONCLUSION

8. Mr. Neugebauer was not a director, officer, or person otherwise in charge of the Debtor (or its parent company WPI) when the involuntary petition was filed, and he is not in charge of anything on behalf of the Debtor or WPI. As such, he should not be compelled to make the subject filings. Rather, it is Mr. Bywaters, the person in charge of Debtor and its parent company

WPI at the time of the involuntary petition filing, who should be compelled to make the subject filings.

WHEREFORE, Toby Neugebauer respectfully request that the court denied the motion as it relates to Mr. Neugebauer, and require that Hunter Bywaters prepare and file the Debtors' list of creditors, schedules, and statement of financial affairs.

May 12, 2023

Respectfully submitted,
JACKSON WALKER L.L.P.

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ATTORNEYS FOR TOBY NEUGEBAUER

Certificate of Service

I certify that on May 12, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Bruce J. Ruzinsky

Bruce J. Ruzinsky